

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

HARRY KEONTA RAMSEY,

v.

CIVIL ACTION NO. 3:22-cv-505-KHJ-MTP

ERNEST BREAUX ELECTRICAL, LLC AND
JOHN AND JANE DOES 1-5

NOTICE OF REMOVAL

COMES NOW, Defendant, Ernest P. Breaux Electrical, LLC (“Breaux”), through undersigned counsel, and hereby gives notice of removal of this action from the Circuit Court of Warren County, Mississippi, to the United States District Court for the Southern District of Mississippi, Northern Division pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and states as follows:

1. On June 16, 2022, Plaintiff filed a Complaint styled *Harry Keonta Ramsey v. Ernest P. Breaux Electrical, LLC and John and Janes Does 1-5*, Cause No. 22,0079-CI, in the Circuit Court of Warren County, Mississippi. The original Summons and Complaint were served on Defendant on August 2, 2022.

2. Plaintiff alleges that on July 21, 2020 Defendant’s truck crossed perpendicular to and across Plaintiff’s lane of traffic and proximately caused the vehicle Ramsey was driving to overturn and be impacted by Defendant’s vehicle. Plaintiff alleges he has suffered injuries for which he has sought medical attention and treatment and has incurred medical expenses and lost wages.

3. Plaintiff seeks damages due to Defendant’s alleged negligence in operating their vehicle and for breach of various duties alleged to be owed to Plaintiff. Specifically, Plaintiff

alleges he is owed “compensation for past, present, and reasonably expected future pain and suffering.” *Complaint*, ¶ 35(a).

4. Plaintiff further seeks damages for “compensation for past, present, and reasonably expected future, mental anguish and emotional distress,” “compensation for past lost wages, present lost wages/earnings, and reasonably expected future, lost wages/earning to the extent determined supported,” and “costs related to past, present, and future healthcare and/or treatment and/or care for Plaintiff’s physical and/or mental injuries.” *Complaint*, ¶ 35 §§ (b),(d), (h).

5. Plaintiff additionally “reserve[d] the right to argue he should be entitled to regular monitoring, and/or diagnostics and/or mental and physical evaluation and/or mental and physical follow up care or evaluation to assure Plaintiff do [sic] not suffer further related symptoms or injury as a result of the collision, and to assure all symptoms are addressed whether in the past, present, or future.” *Complaint*, ¶ 35(h)

6. Plaintiff seeks “compensation for loss of enjoyment of life, and loss of functioning in normal activities” and “other damages, economic and non-economic, occurring to [him] as a direct and proximate result of the impact.” *Complaint*, ¶ 35(k).

7. Finally, Plaintiff seeks “whatever other sums [he] may legally recover in punitive damages for gross negligence, willful, wanton, or reckless conduct of Defendant.” *Complaint*, unnumbered paragraph following “WHEREFORE, PREMISES CONSIDERED” § (a).

8. “[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. §1441(a). Pursuant to 28 U.S.C. §1332(a), “the district courts shall

have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between [. . .] citizens of different States.”

9. This is an action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1441. Complete diversity exists between the parties. Plaintiff is a Mississippi resident and lives in Warren County, Mississippi. Defendant, Breaux, is a Louisiana corporation with its principal place of business located at 2812 Broken Arrow Road, New Iberia, Louisiana 70560.

10. The monetary value of the Plaintiff’s damages has not been stated in the complaint. However, Plaintiff has separately alleged damages in excess of \$75,000.00 in correspondence from his counsel. Therefore, this Court has original jurisdiction over the matter and Defendant may remove the state claim to this Court pursuant to 28 U.S.C. § 1441. *See correspondence attached hereto as Exhibit “A.”*

11. A Notice of Removal must be filed “within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading set forth the claim for relief upon which such action or proceeding is based . . .” 28 U.S.C. §1446(b)(1). The removal requirements of 28 U.S.C. §1446(b)(2)(A) are timely satisfied. Breaux has filed this Notice of removal within 30 days of the date it was given notice that the claim was removable.

12. Pursuant to 28 U.S.C. §1446(a), the Defendant will file with the Court a certified copy of all process, pleadings and orders which have been filed in the Circuit Court of Warren County, Mississippi within 14 days of filing.

13. For the reasons explained above, this case is removable pursuant to 28 U.S.C. § 13323 and 28 U.S.C. § 1441 and the requirement of 28 U.S.C. §1446 have been met.

14. Venue of this removed action is proper pursuant to 28 U.S.C. §1441(a) because

this Court is the United States District Court for the district and division embracing the place wherein the removed action is pending: the Circuit Court of Warren County, Mississippi.

15. Contemporaneous with the filing of this Notice of Removal, a copy of this Notice is being filed with the Clerk of the Circuit Court of Warren County, Mississippi and is being served upon all counsel of record.

16. By filing this Notice of Removal, Defendant does not waive any defense which may be available to it in state court.

WHEREFORE, PREMISES CONSIDERED, Defendant, Breaux, respectfully prays the Court will receive this Notice of Removal, place it upon the docket of this Court, and that the Circuit Court of Warren County, Mississippi will proceed no further with this action.

Respectfully submitted this, the 31st day of August, 2022.

/s/ Roger C. Riddick

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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing document was electronically filed through the Court's MEC system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. I further certify that I have this day served by United States mail, postage prepaid, a true and correct copy of the above and foregoing document to the following:

Michael R. Brown
The Michael R. Brown Law Offices, PLLC
120 North Congress Street, Suite 710
Jackson, Mississippi 39201

This the 31st day of August, 2022.

/s/ Roger C. Riddick
ROGER C. RIDDICK